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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/022,494	12/17/2001	Michael J. Diana	3030-69441	2790

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EXAMINER

RIVELL, JOHN A

ART UNIT	PAPER NUMBER
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3753

DATE MAILED: 03/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/022,494

Applicant(s)

DIANA, MICHAEL J.

Examiner

John Rivell

Art Unit

3753

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 1/09/04 (amendment).
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Applicant's arguments filed January 9, 2004 have been fully considered but they are not persuasive.

Claims 1-3 have been canceled. New claims 13-18 have been added. Thus claims 4-18 are pending.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 16 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 16 recites the limitation "the two second passageways" in line 2 and "the fluid dispensing device" in line 3. There is insufficient antecedent basis for either of these limitations in the claim. Claim 16 is included below assuming proper antecedent basis.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 12 and 18 are rejected under 35 U.S.C. §102 (b) as being anticipated by Kahmann et al. (German No. DE 198 16 041 cited by applicant).

The document to Kahmann et al. discloses “a fluid changer (1) including multiple sections (section 10, section 10', section 10''), each section including a first passageway (12) and a second passageway (14), a valve (21 or 22) coupled to the first passageway (12), the valve (21 or 22) permitting the fluid that flows through the first passageway (12) to be provided to the second passageway (14) upon actuation of the valve (21 or 22), and out of the fluid changer (10), the first passageway (12) adapted to permit the passage of a pig through the first passageway (12 by reason of the uniformity of the bore forming passage 12 as illustrated in figures 2 and 3; such uniformity is clearly “adapted to permit the passage of a pig” therethrough), each section (10, 10' or 10'') comprising a separate module (10 shown in figs. 2-3), the modules being selectively removably connectable together in a desired number to permit the selection of any desired number of fluids in the fluid changer” as recited in claim 12. Note in fig. 1 for example, three different “modules” 10, 10', 10'' for three different fluids 5, 5, 5.

Regarding claim 18, in Kahmann et al. “the fluid changer includes a coating material color changer (read as the operator) for selecting among a number of colors (here 3) of coating material to be supplied to an output of the color changer” as recited.

Response to Arguments

Concerning claim 12, applicants allegation that “Kahmann et al. neither suggests or discloses this combination” absent convincing arguments as to which of the claimed

elements and/or why any of the claimed elements are not readable on the designated elements of Kahmann et al. is unpersuasive.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5-7, 9, 11, 13, 14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kahmann et al.

Claim 16 is included here assuming proper antecedence is present.

The document to Kahmann et al. discloses "a fluid changer (1) including multiple sections (section 10, section 10', section 10''), each section including a first passageway (12) and... (a) second passageway (14), each section further including... (a) valve (21 or 22) coupled to that section's first passageway (12), each valve (21 or 22) permitting the fluid that flows through that section's first passageway (12) to be provided to... that section's second passageway (14) upon actuation of the... valve (21 or 22), and out of the fluid changer (10), the first passageway (12) adapted to permit the passage of a pig through the first passageway" 12 by reason of the uniformity of the bore forming passage 12 as illustrated in figures 2 and 3. Such uniformity is clearly "adapted to permit the passage of a pig" therethrough.

The document to Kahmann et al. thus discloses all the claimed features with the exception of having for "two second passageways, each section further including two valves coupled to that section's first passageway, each valve permitting the fluid that flows through that section's first passageway to be provided to a respective one of that section's second passageways upon actuation of that respective valve, and out of the

fluid changer" (claims 6 and 13-14), "two circuits for supplying the fluids transported through the two second passageways to two fluid dispensing devices, each valve providing the fluid that flows through its respective one of its respective section's second passageways upon actuation of that respective valve, and out of the fluid changer to a respective one of the circuits and to a respective dispensing device" (claims 7 and 13-14) and "valve means for switching between supplying the fluids transported through the two second passageways to the fluid dispensing device, the valve means providing the fluid that flows through a selected one of the second passageways to the dispensing device" (claims 9 and 16).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to two second passageways, each section further including two valves coupled to that section's first passageway, each valve permitting the fluid that flows through that section's first passageway to be provided to a respective one of that section's second passageways upon actuation of that respective valve, and out of the fluid changer" (claims 6 and 13-14), "two circuits for supplying the fluids transported through the two second passageways to two fluid dispensing devices, each valve providing the fluid that flows through its respective one of its respective section's second passageways upon actuation of that respective valve, and out of the fluid changer to a respective one of the circuits and to a respective dispensing device" (claims 7 and 13-14) and "valve means for switching between supplying the fluids transported through the two second passageways to the fluid dispensing device, the valve means providing the fluid that flows through a selected one of the second passageways to the dispensing device" (claims 9 and 16), since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8. That is, here the claimed limitations merely relate to the

duplication of the "first" second passageway, circuit and valve disclosed in Kahmann et al.

Regarding claim 5, in Kahmann et al. "each section (10, 10', 10'') comprises a separate module, the modules being selectively removably connectable together in a desired number to permit the selection of any of a desired number of fluids in the fluid changer" as shown in fig. 1 and as recited.

Regarding claim 11, in Kahmann et al. "the fluid changer includes a coating material color changer (read as the operator) for selecting among a number of colors (here 3) of coating material to be supplied to an output of the color changer" as recited.

Claims 4, 8, 10, 15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kahmann et al., as applied to claims 5-7, 9, 11, 13, 14 and 16 above, further in view of Kock.

The patent to Kahmann et al., as modified above, discloses all the claimed features with the exception of having a "pressure regulator oriented in the circuit between the fluid changer and the dispensing device".

The patent to Kock discloses that it is known in the art to employ a "pressure regulator" at respective valves "DUMP I" or "DUMP II" of figure 1 or single regulator valve "DUMPI, II" of fig. 2 in the fluid circuit "between the fluid changer (MANIFOLD I or MANIFOLD II) and the dispensing device" at "SRPAY GUN" for the purpose of regulating the regulating the fluid pressure supplied to the dispensing device from the fluid changer.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to employ in Kahmann et al., as modified, a pressure

regulator in the circuit between the fluid changer 10, 10', 10''' and the dispensing device 15 therein for the purpose of regulating the fluid pressure supplied to the dispensing device from the fluid changer as recognized by Kock.

Response to Arguments

Applicants mere allegations that "Kahmann et al. (and) Kock neither discloses nor suggests this combination" absent any convincing reasoning as to which of the claimed elements and/or why the claimed elements are not readable on the reference elements as set forth above is unpersuasive.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Rivell whose telephone number is (703) 308-2599. The examiner can normally be reached on Mon.-Thur. from 6:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Scherbel can be reached on (703) 308-1272. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3753

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


John Rivell
Primary Examiner
Art Unit 3753

j.r.